

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEISHA A. MCNEAL,

Plaintiff,

V.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

CASE NO. C12-5303 BHS

ORDER GRANTING
PLAINTIFF'S MOTION
FOR ATTORNEY'S FEES

This matter comes before the Court on Plaintiff Keisha McNeal's motion for attorney's fees and expenses (Dkt. 35).

On February 2, 2014, McNeal filed the instant motion requesting \$8,810.04 in fees and \$25.76 in expenses. Dkt. 35. On February 13, 2014, the Government responded and requested that the Court reduce the number of attorney hours by 10.7 and award only \$6040.75 in fees. Dkt. 36. On February 21, 2014, McNeal responded. Dkt. 37.

Upon review of the briefs and the record, the Court finds that McNeal's request for fees is reasonable. Although counsel's 40.7 hours of work may be above average, the

1 amount is not excessive or clearly redundant and has been justified by McNeal's attorney.

2 Therefore, the Court **GRANTS** McNeal's motion.

3 It is hereby **ORDERED** that McNeal is awarded EAJA fees of \$8,810.04 and
4 expenses in the sum of \$25.76. Subject to any offset allowed under the Treasury Offset
5 Program, as discussed in *Astrue v. Ratliff*, 560 U.S. 586 (2010), payment of this award
6 shall be sent to McNeal's attorney at his address: Eitan Kassel Yanich, PLLC, 203 Fourth
7 Avenue E., Suite 321, Olympia, WA. 98501.

8 After the Court issues this order, the Commissioner will consider the matter of
9 McNeal's assignment of EAJA fees and expenses to McNeal's attorney. Pursuant to
10 *Astrue v. Ratliff*, the ability to honor the assignment will depend on whether the EAJA
11 fees and expenses are subject to any offset allowed under the Treasury Offset Program.
12 The Commissioner agrees to contact the Department of Treasury after this order is
13 entered to determine whether the EAJA fees and expenses are subject to any offset. If the
14 EAJA fees and expenses are not subject to any offset, the EAJA attorney's fees and
15 expenses will be paid directly to McNeal's attorney Eitan Kassel Yanich, either by direct
16 deposit or by check payable to him and mailed to his address.

17 Dated this 4th day of March, 2014.

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BENJAMIN H. SETTLE
United States District Judge